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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/043,899

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Harry A. Kaplan

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7268

7590
02/25/2008
Brian P. Hopkins
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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

02/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/043,899

Applicant(s)

KAPLAN ET AL.

Examiner

MARY CHEUNG

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 9-38 and 42-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Status of the Claims

1. This action is in response to the restriction election filed on December 12, 2007. Claims 1-62 are pending. Applicant's election of Group I Species 1 (claims 1-8, 39-41 and 62) with traverse in the reply filed on December 12, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Thus, the restriction is final. The elected claims 1-8, 39-41 and 62 are examined.

Claim Objections

2. Claim 6 is objected to because of the following informalities: the claim should end with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6, 8 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., US 6,671,674 B1 in view of Madoff et al, US 7,099,839 B2.

As to claim 1, Anderson teaches a method for buying and selling a product over a computer network, comprising (abstract):

- providing a host for receiving information for the offer for sale of a structured financial product from a first client (column 7 lines 26-34 and Figs. 10a-10b);
- publishing the offer for sale of said product over a computer network by said host to a plurality of second clients over said computer network for a predetermined period of time (column 7 lines 1-34 and column 8 line 42 and Figs. 10a-10b);
- initiating said offer for sale of said product over said network at a prescribed starting time (column 4 lines 64-65),
- providing an opportunity for said plurality of second clients to bid on said product in real-time during said period of time (column 4 line 64 – column 5 line 2);
- automatically publishing to said plurality of second clients viewing the sale of said product each bid in real-time as each bid is submitted by one of said second clients, wherein a substantial number of all submitted bids are displayed together during said offer for sale (column 8 lines 11-13); and
- awarding said structured financial product to a second client of said plurality of said second clients submitting the highest bid by the end of said predetermined period of time (column 7 lines 52-53).

Anderson does not specifically teach the buying and selling are in an anonymous environment, and the product for sale is a structured financial product. However, Madoff teaches trading a structured financial product in an anonymous environment (abstract and column 5 lines 34-36). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to allow the trading method in Anderson's teaching to include trading a structured financial product in an anonymous environment as enunciated by Madoff for providing the traders with wider range of products for trading with privacy.

As to claim 6, Anderson teaches said first client closes said auction (column 4 line 66 – column 5 line 4).

As to claim 8, Anderson teaches each successive bid is higher than the previous bid (column 4 lines 20-23).

Claims 39-41 are in parallel with claim 1; thus, they are rejected for the same rationale.

5. Claims 2-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., US 6,671,674 B1 in view of Madoff et al, US 7,099,839 B2, and in further view of Official Notice.

As to claims 2-5, Anderson does not specifically teach said substantial number is a predetermined maximum amount, said substantial number is between three and a total number of all submitted bids, said substantial number is between three and ten submitted bids, said substantial number is approximately seven bids. The Examiner takes Official Notice that it is well known in the art that pre-set the number of bids/records/information to be displayed at once. Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Anderson modified by Madoff to include the feature of pre-set the number of

submitted bids to be displayed so that the viewer would not be overwhelmed with excessive displayed information.

As to claim 7, Anderson does not specifically teach when submitted bids reach said predetermined maximum amount, an oldest submitted bid is no longer displayed when a newly submitted bid is displayed. The Examiner takes Official Notice that it is well known in the art that replace the oldest bids/records/information with newly submitted bids/records/information when the displayed information reach pre-set allowed maximum amount. Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Anderson modified by Madoff to include the feature of replace the oldest submitted bids with newly submitted bids when the displayed information reach pre-set allowed maximum amount so that the viewer would have the most recent bidding information and at meanwhile would not be overwhelmed with excessive displayed information.

6. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., US 6,671,674 B1 in view of Madoff et al, US 7,099,839 B2, in further view of Moore, US 6,847,938 B1 with Official Notice.

As to claim 62, Anderson modified by Madoff discloses all the limitations as discussed in claim 1 above except for storing information related to the sale of said structured financial product in a first database, said information comprising first data representing the time at which said structured financial product was sold and second data representing a market condition at the time of sale of said structured financial product, searching said database for finding particular structured financial products

which have been sold, and displaying the result of said search, wherein said results include at least one structured financial product and associated said first data and said second data. However, Moore teaches storing user transaction history data, and searching the database with a particular searching criteria, and display the finding records that meet the search criteria (column 4 lines 55-57 and column 36-45 and Fig. 3). Moore does not specifically teach the transaction history stored in the database comprising the time and market condition at the time of sale. The Examiner takes Official Notice that it is well known in the art that storing transaction history includes the time and market condition at the time of sale. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the trading method of Anderson modified by Madoff to include the features of storing transaction history including the time and market condition at the time of sale, and searching the database with a particular searching criteria, and displaying the finding records that meet the search criteria as taught by Moore and the examiner's Official Notice for providing important information related to the bidding items for the bidders.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

- | | |
|----------------|---|
| (571) 273-8300 | (Official Communications; including After Final
Communications labeled "BOX AF") |
| (571) 273-6705 | (Draft Communications) |

/Mary Cheung/
Primary Examiner, Art Unit 3694
February 15, 2008